

## Message Text

CONFIDENTIAL

PAGE 01      SOFIA 02667 171209Z  
ACTION EUR-12

INFO OCT-01 ISO-00 ORM-02 DHA-02 VO-03 SCA-01 CIAE-00  
      FBIE-00 INSE-00 NSAE-00 H-01 L-03 /025 W  
                              042995 /53

R 171044Z DEC 76  
FM AMEMBASSY SOFIA  
TO SECSTATE WASHDC 2138

C O N F I D E N T I A L SOFIA 2667

E.O. 11652: GDS  
TAGS: PFOR, CGEN, BU  
SUBJECT: DIVIDED FAMILY CASES: REQUEST FOR LEGAL OPINION

REF: SOFIA 2639

1. WE REPORTED PARAGRAPH 5 REFTEL, MFA CONSULAR DEPT'S CONTENTION THAT BULGARIANS WHO ARE NATURALIZED AMCITS AND WHO HAVE NOT FORMALLY RENOUNCED BULGARIAN CITIZENSHIP ARE CONSIDERED TO REMAIN BULGARIAN CITIZENS WITH ALL RESPONSIBILITIES THAT IMPLIES. IN PRACTICAL TERMS RELATING TO DIVIDED FAMILY CASES, THIS WOULD MEAN THAT ALMOST ALL NATURALIZED AMCITS OF BULGARIAN EXTRACTION WOULD BE REQUIRED TO PROCESS REQUESTS FOR REUNIFICATION WITH FAMILY MEMBERS IN BULGARIA THROUGH BULGARIAN EMBASSY, WASHINGTON. MFA STATED THAT EMBASSY AND USG CANNOT INTERCEDE BETWEEN SPONSOR AND GOB. EMBASSY POINTED OUT THAT US LAW REQUIRED EMBASSY PROCESSING FOR IMMIGRATION AND, AS SPONSORS NOW AMCITS, REGARDLESS OF THEIR RELATIONSHIP WITH GOB, EMBASSY HAS RIGHT OF REPRESENTATION ON THEIR BEHALF.

2. AFTER DISCUSSIONS WITH MFA, RESEARCH BY EMBASSY UNCOVERED REFERENCE TO 1924 NATURALIZATION TREATY BETWEEN US AND BULGARIA (43 STAT. 1759) IN "TREATIES IN FORCE" AS OF JANUARY 1, 1975. EMBASSY READING OF TEXT OF TREATY IN "TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02      SOFIA 02667 171209Z

USA" APPEARS TO US TO MAKE GOB POSITION UNTENABLE. BOTH COUNTRIES AGREE TO RECOGNIZE THE NATURALIZATION PROCESS OF THE OTHER COUNTRY; AND, NATURALIZED AMCITS WHO ARE FORMER CITIZENS OF BULGARIA UPON RETURNING TO BULGARIA ARE NOT PUNISHABLE FOR THE ORIGINAL ACT OF EMIGRATION.

3. EMBASSY REQUESTS DEPT LEGAL OPINION ON THE QUESTION OF STATUS OF FORMER BULGARIAN CITIZENS WHO EMIGRATED ILLEGALLY FROM BULGARIA AND WHO ARE NOW NATURALIZED AMCITS. ALSO, WISH TO KNOW IF THERE ARE OTHER MULTILATERAL OR BILATERAL AGREEMENTS WITH BULGARIA WHICH HAVE BEARING ON THIS QUESTION OF DUAL NATIONALITY.

4. SOME SPONSORS IN DIVIDED FAMILY CASES ARE NOT YET AMCITS, BUT RESIDENT ALIENS. EMBASSY PRESUMES IN THESE CASES, TOO, REPRESENTATIONS CAN STILL BE MADE. NATURALLY, PROCESSING REQUIREMENTS UNDER US IMMIGRATION LAW NECESSARILY WOULD INVOLVE EMBASSY IN THESE CASES IN ANY EVENT.

5. EMBASSY WILL MEET AGAIN WITH OFFICIALS OF MFA CONSULAR DEPT IN MID-JANUARY TO REVIEW STATUS OF INDIVIDUAL DIVIDED FAMILY CASES. EMBASSY AT THAT TIME WILL ATTEMPT TO REACH AGREEMENT ON PROCESSING PROCEDURES FOR NEW DIVIDED FAMILY CASES, ALERTING MFA WHEN NEW CASE IS TO BE SUBMITTED BEFORE PROCESSING BEGINS WITH MINISTRY OF INTERNAL AFFAIRS. SINCE MFA MORE SENSITIVE TO POLITICAL CONCERNS THAN IS MIA, THIS SEEMS DESIRABLE PROCEDURE (ONCE MIA TURNS DOWN A CASE, REVIVING IT BECOMES A VERY DIFFICULT MATTER).

6. REQUEST DEPT RESPONSES ON LEGAL POINTS IN EARLY JANUARY TO ALLOW EMBASSY PREPARATION FOR MEETING WITH MFA.  
FELDMAN

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** REPORTS, POLICIES, REPATRIATION, DEPENDENTS, VISAS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 17 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976SOFIA02667  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760464-0989  
**From:** SOFIA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761232/aaaabbtt.tel  
**Line Count:** 88  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 SOFIA 2639  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 08 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <08 APR 2004 by greeneet>; APPROVED <09 AUG 2004 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DIVIDED FAMILY CASES: REQUEST FOR LEGAL OPINION  
**TAGS:** PFOR, CGEN, BU, US  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006